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### Analysing Structured Paths of Lobbying Behaviour: Why Discussing the Involvement of 'Civil Society' Does not Solve the EU's Democratic Deficit

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# Analysing Structured Paths of Lobbying Behaviour: Why Discussing the Involvement of ‘Civil Society’ Does not Solve the EU’s Democratic Deficit

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**ABSTRACT** How much can civil society participation actually contribute to the EU’s democratic legitimation? This article examines this question in order to assess whether the current debate possesses the potential to cure the EU’s alleged ‘democratic deficit’. It rests on the assumption that democratic legitimation through civil society requires the participation of civil society to meet democratic standards themselves. The analysis treats a normative and an empirical aspect of the subject. Firstly, it focuses on the European Commission’s White Paper on European Governance, and examines its requirements for civil society participation in the light of the concepts of associative and deliberative democracy. However, requirements for democratic civil society participation can also be developed by civil society itself. Therefore, secondly, the potential of the community of European interest representatives for the creation of a European civil society will be assessed, on the basis of original empirical data.

**KEY WORDS:** Civil society, legitimacy, democracy, European Union, lobbying

The issue of the inclusion of civil society in EU decision making as a means to resolve the Union’s democratic deficit is a common theme in many discus-

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sions of institutional reform. More recently, new momentum has been injected into the discussions concerning the democratic deficit by developments arising out of the negotiation processes which have been ongoing since the Intergovernmental Conference that culminated in signing of the Nice Treaty and beyond through to the Convention on the Future of Europe. The distance between the European institutions and the citizens of Europe caused particular concern. Consequently, the European institutions seek more legitimisation through participation, or in other words, they seek more input legitimacy.<sup>1</sup>

However, what exactly can civil society contribute to the input legitimacy of European institutions? Traditional concepts of input legitimacy focus on legitimisation through elections or on the direct-democratic decision making of citizens. The understanding of the involvement of civil society is more vague. If civil society was to contribute to the legitimisation of European institutions, it would have to comply with a sufficient standard of democratic requirements. Such requirements for civil society have been developed in the theoretical concepts of deliberative and of associative democracy.

This article will therefore assess whether or not the involvement of civil society in the current discussions on institutional reform meets these democratic standards. In the context of analysis, three distinctions of civil society play a role. The definition of civil society in general comprises the understanding of civil society as it is found in the concepts of associative and of deliberative democracy. Civil society refers to societal interaction that is neither family nor public, when citizens or groups of citizens seek regulatory solutions that are best for the whole of society, i.e. for the common good (for the exact definition, see below).

However, the following article essentially assesses a European civil society. It is the European context and, more particularly, a potential civil society in the EU that is the focus of argumentation. The understanding here of a European civil society is therefore a civil society according to the conditions of associative and/or deliberative democracy in the EU.

Finally, a distinction is made between these normative concepts of 'civil society' and 'European civil society' and an existing civil society in the EU. An existing civil society is comprised of civil society actors who are already participating in EU decision making and who are named in the European Commission's White Paper on European Governance. The term 'existing civil society' therefore refers to civil society in the understanding of the Commission (for an outline of this definition, see below).

Since these already participating actors of civil society largely consist of interest representatives of different sorts, the analysis of an 'existing civil society' concentrates on EU interest representation, or more precisely, on different types of lobbyists active on the European level as well as on representatives of regional offices (detailed explanations of this selection are provided later in the article).

Two assumptions guide the analysis; democratic requirements can either be found in the institutional reform proposals themselves, or they should be

present in the behaviour of the European civil society under examination. If the EU institutions actually seek more democratic legitimacy through the participation of civil society, reforms must be in accordance with more democratic conceptions of civil society involvement. Furthermore, if the involvement of civil society is to increase the democratic legitimacy of the European political system, a precondition is the evolution of a European civil society in line with standards of democratic civil society contribution.

For this reason, this article searches for compliance with democratic standards in two different areas. First, it will focus on institutional reform proposals. The measures introduced by the European Commission to increase the participation of civil society, as outlined in the White Paper on European Governance,<sup>2</sup> will be discussed in line with the concepts of associative and deliberative democracy. The discussion-guiding question stems from the concept of input and output legitimacy. This concept will be outlined and used as an overarching focus of argumentation in order to assess the nature of the Commission's intended goals as regards the participation of civil society and what it can achieve with its proposed measures.

The comparison of the Commission's White Paper proposals and the concepts of associative and deliberative democracy will concentrate on three major elements of civil society inclusion that have been outlined in the White Paper. These are:

- the definition and intention of the use of civil society
- the requirement of inner democracy of organised civil society organisations
- the scope of civil society, i.e. the openness for participants.

However, the findings in this section do not speak for the fulfilment of deliberative or associative democracy standards. They imply a greater interest of the European Commission for output, rather than for input, legitimacy. Therefore, the second assumption is assessed. The second section turns to the community of European interest representatives. According to the Commission White Paper, a European civil society should develop from this group. Potential for input legitimisation may therefore exist independently from what the Commission proposes; even if there is no sufficient potential in the Commission proposals, an input legitimising civil society may develop. Hence, the Brussels lobbying community is assessed on the basis of the existing literature and empirical data related to this issue.

This section focuses on the paradox that lobbying actors are generally perceived as rationalist, self interest-guided actors who may contribute to democratic decision making by inserting special interest views, but who do not strive for a common good themselves. For a European civil society that is able to contribute to the input legitimacy of the European political system however, actors are needed whose principal aim is to serve the common good by engaging in decision making. Any potential in the EU lobbying community to develop such a European civil society, or to allow the adequate actors to develop alongside a system that is guided by the pursuit of self-interest, therefore needs to be analysed.

A literature review will illustrate how lobbying has been increasingly conceptualised as an exchange. If an exchange relationship exists between interest representatives and public actors, interaction is not guided by an orientation towards the common good but by special interest fulfilment. Orientation towards the common good would be a necessary condition for input legitimacy through civil society. That would mean that the existing civil society does not have the potential to create input legitimacy. However, even if an exchange relationship dominates EU interest representation, perhaps a civil society that matches the theoretical conceptions can develop alongside it. After the literature review follows an assessment of the question of how open this lobbying community is for such entrants based on empirical data. The empirical evidence stems from the analysis of 56 expert interviews conducted with lobbyists and public actors over a period of nine months in 1999/2000.<sup>3</sup>

This original data is discussed in the second part as a comparative analysis of civil society representatives already present in Brussels can pinpoint the cooperation and type of participation found in public-private interaction. Such an empirical comparison has not yet been carried out. This analysis also takes into account the fact that EU interest representatives are only to a limited degree actors in their own right. They are agents of their employers, clients or members and therefore may be subject to additional demands. The underlying hypothesis of this second part is that, if interest groups and other lobbyists interact in an exchange relationship with public actors that proves successful for themselves and for their clients, employers or members, no incentive exists for developing a European civil society that is participating according to democratic standards and that generates input legitimacy for European institutions. Additionally, if both sides benefit from an exchange relationship, no room would be left for potential new participants who seek the common good to enter this relationship. The normative aim of input legitimacy through increased civil society participation would fail due to the successful rationalist behaviour of the European interest representatives who make up the potential civil society.

### **The White Paper on European Governance, Deliberative and Associative Democracy**

In this section a concept of civil society according to the Commission's White Paper on European Governance and according to the theoretical approaches of associative and deliberative democracy will be developed. The three concepts will be compared with regard to the question of what the Commission seeks by civil society inclusion, and what it is likely to achieve by it.

Before the potential contribution of civil society to the democratic legitimacy of the European Union can be assessed, an understanding of the institutional, and in particular, of the Commission's definition of civil society is needed, as well as an understanding of what exactly the institutions seek to gain from civil society inclusion.

*Civil Society According to the European Commission*

The former can be taken from the White Paper on European Governance. The European Commission's White Paper on European Governance and its proposals on increasing participation is the first and most visible reaction to the Union's new direction, with the furthest continued advances within the context of this debate.<sup>4</sup> Essentially, the White Paper contains suggestions for the improvement of the current decision-making process. The Commission seeks to use the inclusion of civil society as a tool to achieve this improvement more comprehensively by a number of measures. The main points of interest for this article are the very limited definition and thus restriction of civil society, a requirement for democratic structures of organisations and, at the same time, the intention of openness to the contact of other members of civil society, for instance companies. The first point that helps assess the Commission's understanding of and goal concerning the participation of civil society is the way it defines civil society. According to the White Paper, the Commission leans on the terminology of the Economic and Social Committee (ESC), which defines civil society as:

a range of organisations which include: the labour-market players (i.e. trade unions and employers federations — the 'social partners'); organisations representing social and economic players, which are not social partners in the strict sense of the term (for instance, consumer organisations); NGOs (non-governmental organisations), which bring people together in a common cause, such as environmental organisations, human rights organisations, charitable organisations, educational and training organisations, etc.; CBOs (community-based organisations), i.e. organisations set up within society at grassroots level which pursue member-oriented objectives, e.g. youth organisations, family associations and all organisations through which citizens participate in local and municipal life; and religious communities.<sup>5</sup>

Hence, the Commission seeks the participation of an organised civil society. However, the participation the Commission foresees for this civil society is limited to consultative tasks. This is spelt out clearly in its "proposals for change".<sup>6</sup> It intends to:

Establish a more systematic *dialogue* with representatives of regional and local governments through national and European associations at an early stage in shaping policy. ... Establish and publish minimum standards *for consultation* on EU policy. Establish partnership arrangements going beyond the minimum standards in selected areas *committing the Commission to additional consultation* in return for more guarantees of the openness and representativity of the organisations consulted.<sup>7</sup> (author's italics)

This definition leads to the second point that needs to be elaborated on before a systematic analysis of civil society contribution to the EU's democratic legitimacy is possible. What do the institutions seek to gain by increasing the participation of civil society?

The need for participation in order to legitimise politics is uncontested and stands at the core of the notion of democracy. At the European level, however, electoral systems never really developed to a satisfying degree.

With increasing intensification of transnational cooperation, democratic legitimacy has become a necessity for both the public and for decision makers in the member states. At the same time, more traditional forms of representative democracy in larger political systems find it difficult to maintain the full support of citizens. One problematic aspect for the EU is the fact that the larger a political system, the more difficult it is to ensure participatory possibilities for all citizens. Different ways of civil society inclusion may therefore have potential to become alternative legitimisation tools. The involvement of civil society has therefore become a pertinent issue throughout the negotiations in the Convention on the Future of Europe and also, through its discussion, an opportunity for positive reform in this regard. The inclusion of civil society is intended to decrease the EU's legitimacy problem because substantial numbers of EU citizens thereby gain participatory opportunities:

Reforming governance addresses the question of how the EU uses the powers given by its citizens. It is about how things could and should be done. The goal is to open up policy-making to make it more inclusive and accountable. A better use of powers should connect the EU more closely to its citizens and lead to more effective policies.<sup>8</sup>

If one considers the differentiation of input and output legitimacy made by Fritz Scharpf,<sup>9</sup> the Commission seeks to gain input legitimacy as opposed to its better-established output legitimacy. Input legitimacy refers to participatory legitimisation of the governing elite. Output legitimacy means the approval of a system's output, i.e. the satisfaction with the decisions of a governing elite.<sup>10</sup> The balance of input and output legitimacy, i.e. participation before and during decision making, as well as consent to the output of a decision-making process, constitutes a major issue of concern for the European institutions.<sup>11</sup> Hence, how useful is the Commission's concept of civil society inclusion to the achievement of input legitimacy?

The potential of civil society inclusion to contribute to democratic legitimisation in general and to cure the EU's participation deficit seems questionable. The concepts of associative democracy and deliberative democracy can help assess this question on a more theoretical level. Both approaches treat the question of attributing public roles to collective, non-public entities.<sup>12</sup> In the following, the Commission's proposal will therefore be reviewed in the light of these two approaches. Three major elements of the proposal form the core of this comparison; the definition of civil society, standards of inner democracy of associations, and the scope of participants.

### *The Commission's Civil Society Concept in the Light of Deliberative and Associative Democracy*

First, a definition of deliberative democracy will be outlined. Within democracy theory, the idea of democratic participatory legitimisation by deliberation has become extremely popular during the past decade.<sup>13</sup> As defined by Cohen and Rogers, deliberative politics describes "a process of public reasoning that proceeds by reference to considerations of the common good



and that shapes the preferences of the participants by requiring them to offer reasons for their views that provide such reference.”<sup>14</sup>

The term ‘civil society’ originally stems from the deliberative concept; civil society generally refers to “the intermediary of the individual and the state”;<sup>15</sup> which can be defined as including all forms of interactions that are, altogether, striving towards the common good.<sup>16</sup> A broader definition — the one preferred here — is found in publications on social capital discussions: in these debates, civil society simply refers to societal interaction that is neither family nor public.<sup>17</sup> Deliberative democracy theory maintains that a democratic decision emerges from deliberation amongst those affected by the decision or issue in question, i.e., members of civil society debate an issue and arrive at a solution that is acceptable to all members as the most conducive to the common good.

The concept of civil society plays a particular role for deliberative democracy as the space within which public reasoning takes place, be it organised or unorganised. Inner democracy is therefore no prerequisite. However, the common goal of participants in deliberation should be public reasoning and the common good. In this sense, inner democracy can be seen as a value that is established through the deliberation itself.

We now turn to associative democracy. Associative democracy treats civil society in a different way. The concept of associative democracy describes the idea “to curb faction through a deliberate politics of association while netting such group contribution to egalitarian-democratic governance.”<sup>18</sup>

Associative democracy proposes a delegation of as many functions as possible from governments to voluntary organisations. These groups, if they are democratically self-governed, are seen to be better able to meet the interests of individual as well as collective needs in a democratic society. Associative democracy claims that these groups better represent the needs of society because, firstly, their action is initiated by the citizens themselves who join voluntarily in order to act collectively.

Secondly, associations to whom authorities have delegated political functions are accountable in two ways, to their members and to the public authorities. This double accountability is estimated to ensure a higher degree of responsibility towards those for whom the functions are performed.<sup>19</sup> The question must be raised how well the Commission proposals match these conceptions.

For a deliberative understanding of democracy, the Commission’s manner of including civil society does not suffice to enable true deliberation because it does not aim at creating a ‘space for public reasoning’ but, rather, at developing a dialogue between the institution and the individual groups of this civil society in which these groups consult, instead of reason with, the Commission. Furthermore, the Commission’s proposals fall short of satisfying the conditions of representative democracy at large.

In terms of associative democracy, however, such measures indeed seem useful in order to enable the participation of relevant groups and at the same time ensure their democratic status. In line with associative democracy, the core elements of the Commission proposals therefore refer to a greater role



for a selected number of groups, minimum standards for the democratic inner organisation of these groups, extended cooperation with experts, and enlarged transparency of this entire process for the general public.<sup>20</sup> These measures can be understood as efforts to weaken the problem of exclusiveness, which follows on from the Commission's definition of civil society in that it automatically excludes all non-organised members of civil society. In order to ensure the democratic legitimacy of interacting with these groups, the Commission demands a certain 'inner democracy' including the expectation of a civil society organisation to "itself follow the principles of good governance".<sup>21</sup> This requirement essentially means having transparency of internal decision-making processes and a guarantee that all members have the opportunity to have some input into a decision.<sup>22</sup>

In theory, these suggestions do indeed seem relevant to increasing the democratic participation of external interests. However, they do not solve the problem of exclusiveness and thereby the restriction of civil society. Hence, a third core element should be mentioned: the acceptance of participants other than associations for consultation. Although the need for representativeness and high participation levels is emphasised in the minimum standards, the Commission also stresses that it wants to rely more on scientific expert advice<sup>23</sup> and that it is to employ a "pragmatic" and "flexible" approach open to individual citizens and companies alike:

Accordingly, the Commission wishes to stress that it will maintain an inclusive approach in line with the principle of open governance: Every individual citizen, enterprise or association will continue to be able to provide the Commission with input. In other words, the Commission does not intend to create new bureaucratic hurdles in order to restrict the number of those that can participate in consultation processes ... the issue of representativeness at European level should not be used as the only criterion when assessing the relevance or quality of comments.<sup>24</sup>

This may help to overcome the problem of exclusiveness — but clashes with the requirement of inner democracy, because individual citizens, enterprises and even experts are not accountable to the public. The aim of deliberative democracy to create a space for deliberation already requires a scope that goes beyond an acceptance of associations. However, inner democracy of the eventual deliberative forum is a precondition for deliberation. Associative democracy, on the other hand, restricts the scope of civil society participation to democratically organised groups in order to ensure accountability to members and public authorities. The Commission primarily favours the approach of associative democracy in this regard but with its clause of flexibility, it keeps itself open in a rather opaque way. Since deliberation and the creation of a public space is not the aim of its flexible approach, the Commission's openness does not meet the requirements regarding the scope of participants of either theoretical concept. Table 1 summarises the essential statements of the three concepts:

Hence, both the concept of associative as well as the concept of deliberative democracy differ from the Commission's outlines. The differences are

Table 1. Civil society and different democratic models

	Definition of civil society/role of civil society	Inner democracy	Scope of participants
<b>Associative</b>	Civil society is best represented by associations from all sectors; aim: delegation of as many tasks as possible to these associations	Democratic structure; accountable to members and public authorities	Democratically self-governed organisations
<b>Deliberative</b>	Public space for deliberation; ultimate goal: transfer of governance to deliberatively deciding associations	No prerequisite but generated by purpose of forum	Open to all members of civil society
<b>Commission</b>	Organised civil society; consultative role	Associations represent organised civil society and participate in EU decision making;	Primarily open for associations, however 'flexible' approach to further members of civil society; particularly specialist experts

essentially connected to the aim of civil society participation. Deliberative democracy seeks the establishment of a public space for deliberation; associative democracy seeks delegation of tasks to democratic and accountable associations. The Commission seeks inner democracy of organisations but only in a consultative role. It thereby limits the possible development of deliberation and responsibility — which would, according to theories of associative and deliberative democracy, be necessary for a civil society to evolve.

In summary, a comparison of statements regarding these three core elements of the Commission's proposal for increased civil society participation highlights two main differences between the requirements of associative or deliberative democracy on the one hand and Commission measures on the other. These concern the scope of participants and the ultimate aim of civil society participation. While associative and deliberative democracy both aim to delegate tasks from governing institutions to civil society, the Commission merely seeks consultation. As is stressed by the large amount of lobbying literature (see below), the Commission already has good working relationships with interest representatives, which are very similar to what is proposed in the White Paper. Hence, the proposals are not new but may confirm and

legitimise the *status quo* of interest representation, since communication with the groups named in the White Paper already exists in the form of interaction with the Brussels lobbying community. However, when compared to theoretical concepts of civil society inclusion, the measures adopted and proposed do not seem entirely appropriate to fulfil the requirements to an input legitimising civil society. In this case, the inclusion of civil society would legitimise current lobbying practices instead of introducing a valid instrument for democratising the EU system. In conclusion, the consultative practices of the Commission could certainly become more transparent with the proposed measures, but the legitimacy of the institution itself does not increase.<sup>25</sup>

The White Paper can also be seen as a shrewd attempt to legitimise the European Commission through output legitimacy, because civil society organisations agree with its positions. At the same time, more democratically legitimised institutions are bypassed.<sup>26</sup> The most moderate interpretation in the light of the arguments is that the EU institutions and especially the European Commission pretend to offer measures in order to raise input legitimacy. However, they actually affect their output legitimacy because their measures have more relevance for output than for input legitimacy.

### European Civil Society and EU Interest Representation

With these findings, the second aspect of analysis comes into play — perhaps a normative concept of the European Commission that is consistent with the approaches of associative or of deliberative democracy is not necessary to achieve input legitimacy via civil society participation. This would be possible if the lobbying community under examination took up the core ideas of deliberative or associative democracy — i.e. the idea of a responsible civil society in which deliberation takes place, and which is accountable. This section will focus on this lobbying community, asking how much potential the existing civil society has for creating input legitimising participation. How likely is input legitimacy through a European civil society?

As outlined at a theoretical level, a clash between intention and effect would not necessarily compromise an actual increase in democratic output and input legitimacy, if the result of civil society inclusion worked in favour of the outlined democratic requirements. However, empirical evidence from studies of European civil society shows that the inclusion of civil society as a tool for legitimising European decision making presents a second problem. The essential argument that guides this article is that the normative idea of democratic legitimisation through civil society will fail because it clashes with the successful rational behaviour of interest groups. If these alleged representatives of civil society have adapted to the needs of the European institutions, both public and private actors benefit from the pursuit of special interests, and therefore lack an incentive to develop, allow to develop, and to include a true civil society.

*Current Concepts of Civil society Europeanisation and EU Interest Representation*

A review of recent literature on EU interest representation will be appropriate here. The question of the ability of EU interest groups to actually establish a European civil society has been taken up by Alex Warleigh.<sup>27</sup> According to Warleigh, the core problem of civil society Europeanisation is the “question of agency”.<sup>28</sup> If civil society participation can help resolve the democratic deficit, the possibility to Europeanise civil society must be a priority; a task that requires education and that, according to the White Paper, the EU expects its interest groups to carry out.<sup>29</sup> However, these interest groups pursue their own interests and have tended to support European legitimacy by creating policy acceptance within their fields. Warleigh can, therefore, only imagine NGOs (non-governmental organisations) establishing and informing a European civil society if they are internally democratic: “They must not only seek and be able to achieve influence over EU policy outcomes, but also educate their supporters to play a role in the formation of NGO policy on issues to be tackled at the EU level”.<sup>30</sup>

In his empirical study of NGOs active at the European level however, he comes to the conclusion that these groups do not possess the necessary traits that would make them suitable for representation as foreseen by associative democracy theory — mainly because they are unable and unwilling to socialise their members politically:

My hypothesis was that NGOs will be unable to act as agents of civil society Europeanization unless they are internally democratic and are both willing and able to act as instruments of political socialization, with particular reference to play this role, and, given the continuing resource problems forcing the smallest among their number to head in the opposite direction, it cannot be assumed that their capacity to act in this way will improve ... their internal governance is far too elitist to allow supporters a role in shaping policies, campaigns and strategies, even at one remove. Moreover, and more disconcertingly, it appears clear that most NGO supporters do not actually want to undertake such a role.<sup>31</sup>

This statement highlights two important factors for a likely failure of EU lobbying groups as civil society representatives: first, these groups do not possess true inner democracy and, second, they do not want to change. Warleigh has elaborated the first point in detail in his article. It can be easily recognised that the Brussels lobbying community does not account for a democratic or for a fully representative representation of EU citizens. Whereas the lobbying community is indeed very diverse and comprises a multitude of different interests, individual companies are responsible for many of these. The main reason for a lack of representivity, however, is that, even if associations have an inner structure that passes for a democratic system, they will always only represent their active members and can never represent all citizens with an interest in their issues. Companies are generally also represented in Eurogroups. This additional representation is outweighed by competition and the need to control competitors by the means of cooperation in Eurogroups, so that NGOs without individual representation are not

necessarily disadvantaged by the sheer volume of business representation. However, NGOs as well as business representations face the problem of a lack of contact with their membership base or local headquarters. Most clients leave Brussels interest representation entirely to their Brussels offices or associations. A control mechanism that would be necessary for the establishment of associative democracy is therefore lacking.

Warleigh's second point — about the unwillingness of NGOs to change — may be connected to the behaviour which is guided by self-interest inherent in interest representation. Warleigh points out that interest groups are known for their special interest representation and for their contribution to output legitimacy of the EU. This means that, by introducing their special interest representation into decision making, interest groups can ensure the acceptance of the final decision amongst their membership. This leads to output legitimacy in the sense of public acceptance of the system's outputs.<sup>32</sup> Interest groups that follow their own interests rather than those of the public and the common good, however, do not contribute to input legitimacy by their participation, because they do not represent civil society interests.

As is increasingly put forward by scholars of European interest intermediation, interaction between private and public actors is characterised by the exchange of information and influence.<sup>33</sup> This influence may consist of different parts. Many researchers looking at lobbying relations focus on access as a precondition for influence.<sup>34</sup> Pieter Bouwen, for instance, attributes the access of private actors to European decision making to their ability to provide access goods. For Bouwen, access goods comprise: Expertise in the subject matter of the decision-making process (expert knowledge); information with regard to the area in which the private actors operate and which is likely to be affected by a decision taken (European encompassing interest); and information about the legislative situation in the respective member states (European domestic encompassing interest).<sup>35</sup>

Access can thus be seen as one component of potential influence. Private actors seem to employ different types of lobbying in different ways in order to obtain this access and, consequently, influence. A large number of lobbying agents employed regularly by private actors to pursue their interests at the European level can be identified. To judge from previous analyses of EU lobbying, interest representation in Brussels takes place within structural patterns of interaction.<sup>36</sup> Scholars and practitioners studying Brussels lobbying have identified a number of categories through which interest representation has been carried out.<sup>37</sup> The most visible and most utilised types, as identified in the literature, are individual interest representations/'in-house lobbyists' (IHL); collective forums such as official European umbrella associations (Eurogroups) or loose alliances; and commercial lobbyists/political consultants. Additionally, regional offices of states with strong regions as well as a number of other agents could be identified in some cases as playing a role.<sup>38</sup> Lobbying agents establish themselves in certain forms of expertise that differed according to the different stages of a private actor's lobbying interest, or an institution's demand for information and willingness to be

influenced.<sup>39</sup> Hence, an informal exchange of supply and demand develops that enables access to those agents who are most able to adapt to the institutional needs for external input.<sup>40</sup>

Warleigh's argumentation, as well as the understanding of EU lobbying as subordinate to an exchange logic, support the contention that civil society participation at the European level does not lead to input legitimacy, because no civil society exists that could generate such legitimacy. EU interest groups are currently ill-equipped to carry out this task and uninterested in doing so.

The question is whether there is potential for change, or if European interest groups are in general unlikely to become civil society agents. The following empirical evidence assesses the dynamic of interaction between public and private actors at the European level. The above outlines of lobbying as a political exchange imply that both public and private actors behave rationally and in their own interest. If this is the case, no incentive — and certainly not the notion of the common good — exists to change this system as long as both sides are satisfied.

### *Empirical Evidence for Consequences of Rational Behaviour and Exchange*

Empirical evidence that assesses how much interest groups and other lobbyists as supposed civil society agents have adapted to the behaviour of traders in a political exchange will now be examined.

Even if an exchange between certain lobbyists and the European institutions is established, the current efforts to increase participation may conceivably facilitate the engagement of other actors who can help turn private actor involvement into civil society involvement. However, empirical data implies that rational behaviour and exchange has more consequences. The inclusion of civil society in a normative way does not work at the European level, because a relatively closed system of professionalised lobbying has developed that is able to meet the institutions' requirements. A factor that seems to be neglected in the discussion of the potential role of interest groups in the Europeanisation of civil society or for the generation of input legitimacy for EU institutions, is the fact that interest groups and other types of EU lobbyists are only one part of a chain of actors. Established patterns of Brussels interest intermediation exist as a chain of connections where lobbyists intermediate between state-based actors or stakeholders interested in pursuing lobbying on the one hand and the European institutions on the other hand. Christoph Knill, for instance, conceptualises interest groups as "interface mediators" who work as agents between the public actors and affected private actors. These associations represent the private actors, and are subject to specific pressures in order to satisfy the needs of private industry.<sup>41</sup> This means that interest groups are primarily agents of the actors which they represent, rather than EU-level actors who can independently decide to become civil society agents. Lobbying agents can be expected to be used differently in Brussels, and they can be expected to meet, to a certain extent, the demands of the institutions. It is, therefore, necessary to assess the potential of lobbyists in their dependence on national actors for change.



To commence, the methodological design should be outlined.<sup>42</sup> The study involved fifty-six interviews with mainly Brussels-based lobbyists of the various categories noted above; i.e. four public interest groups, nine national associations and three Eurogroup representatives, fifteen in-house lobbyists, ten political consultants and ten regional offices, five public actor representatives. The main aim of the study was to examine common patterns of interest representation that are independent from the issue treated. The guiding assumption was that the concrete issues of these groups do not decisively impact on their willingness in general to participate collectively. The chosen respondents are representative of what might be described as ‘average’ lobbying work, as supported by practitioners’ distinctions.<sup>43</sup>

The selection of interview partners within these categories was additionally stratified according to the following differentiation:

- inclusion of different sectors and interest types, both industrial and services, specialist and public interests
- sufficient coverage of all agent categories
- inclusion of different nationalities in each category, both north and south.

As the overall number of interviews conducted was bound to be too small to derive any kind of truly representative statement, the stratification only aimed at covering all necessary categories — North/South, large/small, national/multinational, public/business interest, centralised/decentralised; sector diversity — without claiming to provide an equal proportion among the different groupings. This led to the following distribution:

Seven out of the forty-one interviews with fully private actors were conducted with public interest representatives. These seven consisted of three political consultants (one individual and two consultancy firms), one representative of a national association’s Brussels office, two consultant-like Eurogroups, and one true Eurogroup.

Overall, twenty-one of the interview partners were German, seventeen were British, three were French, four came from the Netherlands, four were Spanish, two were Italian, two were Belgian, and one interview partner each was from Greece and Norway.<sup>44</sup> One interview was conducted with a representative of an US company.

Regional offices were selected according to whether their state of origin was federalist, centralist, or decentralised but not federalist. Therefore, four German, two Spanish, three British and one Dutch representation were selected, accounting for these different types of governance structure.

Firms were additionally distinguished according to their size and scope, and according to their sector. Thus, ten large national firms were interviewed, and five exceptionally large multinational firms. In-house lobbyists of small or medium-sized enterprises are apparently not present at all in Brussels.<sup>45</sup> The firms came from a diversity of sectors. They covered the food sector, cosmetics, automobiles, telecommunications, cement production, electricity, glass production, banking and pharmaceuticals. Overall, eight of the firms had a services background and the remaining seven were industrial companies.



As regards national associations, three German, two French, one British, one Norwegian, one Dutch and one Greek association officials were interviewed. Four of them worked for rather general, cross-sectoral (public interest and business) organisations; the remaining six represented specific sectors. These were the water industry, the fishing industry, the banking sector, commerce, electricity/energy and religious public interests.

The interviews with Eurogroup representatives (public and business) were conducted with three British, one Spanish, one Italian and one Dutch respondent, with different membership structures: three organisations only allowed indirect membership, and two associations had a mixed membership structure.<sup>46</sup>

Interviews with political consultants were mainly conducted with British nationals and with consultants from firms with a British or US origin, because they provide the largest number of consultancies in Brussels. One exception was a German consultancy firm. Three of the consultants interviewed were individual consultants not affiliated to a larger firm. Furthermore, three expert interviews with Commission officials or Commission-affiliated individuals and two interviews with Members of the European Parliament (MEPs) were carried out.

Descriptions of how lobbying was carried out proved to be very similar within the chosen categories, although interview partners had been selected randomly after consideration of the aforementioned stratification criteria over the range of different sectors. This strengthens the hypothesis that the individual policy field of activity in which a lobbying actor is active is less decisive than the organisational structure of both the individual actor and the agent. Sector and case dependencies and individual lobbying strategies identified in diverse case studies<sup>47</sup> should certainly be expected despite these similarities, but some general working patterns seem identifiable nonetheless — at least for the small sample examined. Another observation that seems to strengthen this hypothesis is the horizontal change of careers within the lobbying community in Brussels, especially noticeable for in-house lobbyists. Whereas each firm and association or consultancy interviewed had its own rules, sectoral insider-knowledge seemed to be less important for staff switching within Brussels than knowledge of EU policy making and contacts.<sup>48</sup>

The semi-structured interviews included the following main questions:

1. What is your and your group's/company's background?
2. What is your role?
3. What do your members/clients/employers want from you; what are you hired/employed/joined for?
4. How do you view in-house lobbyists/Eurogroups/political consultants/regional offices?
5. Are there any other agents you can think of that play a role for lobbying?
6. What distinguishes you from these other agents?
7. What can you do that they cannot do?
8. What can they do that you cannot do?
9. Who, according to your view, is conducting especially good lobbying in Brussels, and why?

First of all, a number of particularly important lobbying tasks were identified which reveal the dependency on the demands of public actors to satisfy special interests and little interest in deliberative decision making.

The interview respondents revealed seven factors as particularly important in lobbying: representivity, professionalisation, strategic advice, image-building, lobbying of other actors, the delivery of expertise and contact provision. Representivity of a lobbyist for a sufficient number of stakeholders was deemed particularly important. The professional approach to lobbying, i.e. the skills and experience of lobbyists to proceed strategically and under consideration of institutional formal and informal decision-making procedures and rules, was a second important ability according to the respondents. Since they valued professionalisation so highly, the ability to give strategic advice with regard to lobbying strategies, the improvement of their own public affairs work as well as the organisation of work in Brussels was mentioned as another important factor. The establishment of a good image in the eyes of EU decision makers was yet another factor for interest representation. This was to be achieved through active participation in consultation meetings, and generally a large presence in Brussels. A further task of lobbyists was perceived as the ability to lobby MEPs or Commission officials on behalf of other MEPs or Commission officials (lobby others); when institutional actors cannot openly persuade others to agree with their position, lobbyists can serve as secret allies.<sup>49</sup> Also very important was the ability to deliver different kinds of special expertise to clients and to public actors, such as information about the local market for public actors, or Brussels-specific information to clients. Furthermore, lobbyists had to provide crucial contacts to the private actors they were working for, i.e. to increase the size of their personal networks.

These functions have also been identified by Greenwood<sup>50</sup> for Euro-groups, by Lahusen and Jauß and Lahusen<sup>51</sup> for political consultants, and by Coen<sup>52</sup> for in-house lobbyists. They have not been analysed in relation to each other, which makes this additional investigation valuable and allows for a comparison between the lobbying types and their tasks.<sup>53</sup> With regard to the question of whether or not lobbying can constitute civil society participation or, at least, not hinder its development, the factors revealed show that lobbying in Brussels is very goal-oriented and imply that a close orientation to the interests of public actors takes place. This is certainly desirable and helps adjust lobbying towards the perceived common good or at least towards its achievement. However, the strategic thinking behind lobbying and the apparent continuous improvement of lobbying skills through professionalisation and the seeking of strategic advice also implies that extensive efforts are made in order to reach the goal of access to, and influence of, decision-making processes. Since these efforts focus on fulfilling institutional demands in order to achieve access in return, European institutions also benefit from the professional approach of lobbyists to interest intermediation and, in a larger sense, lobbyists' participation in decision making. Lobbyists as members of civil society may therefore receive preferred access because they know how to satisfy the institutional demands and make use of

this advantage. However, as already indicated in section 1, they cannot fully comprise a democratic civil society because they represent special interest groups, companies or regions; in short, special interests.

Table 2 shows the overall number of respondents who named these factors (bold), as well as more limited answers that were summarised under this category in the evaluation (*italic*). The table shows how often lobbying tasks were named by association representatives, firms, consultants and regional

Table 2. Lobbying functions

	Associations	Firms	Consultants	Regional offices
<b>Representivity</b>	<b>20</b>			<b>4</b>
Collective action as cover for individual interests	3			2
Representivity	17			2
<b>Professionalisation</b>		<b>19</b>	<b>53</b>	<b>2</b>
Specific lobbying tasks (such as Lobbying MEPs, structural funds, crisis management)		7	21	2
Back-up/support functions		12	32	
<b>Strategic advice</b>			<b>21</b>	<b>9</b>
Strategic/legislative advice			14	9
Non-lobbying advice (such as political profile surveys, funds application guides)			7	
<b>Image</b>		8		
<b>Lobbying others</b>	<b>7</b>	<b>1</b>	<b>4</b>	<b>5</b>
Check on others/discussion platform	5			
Mediator role	2	1	4	
Trans-European networking				5
<b>Delivery of expertise</b>	<b>4</b>	<b>31</b>		<b>7</b>
<b>Contact provision</b>	<b>1</b>	<b>9</b>	<b>4</b>	<b>3</b>

Source: Michalowitz (2004).

offices; this refers both to the questions about their own tasks as well as to the questions which factors constitute lobbying.

Not only do these factors speak for a strategic approach to lobbying, they also imply a functional division of labour between different types of lobbyists.

The empirical evidence from the interviews points to a division of labour especially between Eurogroups and in-house lobbyists, and between the support and advisory functions of political consultants and regional offices for identical clients. As previously mentioned, Eurogroups are defined as European umbrella groups with indirect, direct or mixed membership.<sup>54</sup> In-house lobbyists are lobbyists who work for individual actors, i.e. companies or national associations with public or business interests. Political consultants are commercial lobbyists.

When asked about the reasons for which they were hired, and for reasons they would hire other types of lobbyists or cooperate with them, respondents explained that they see in-house lobbyists as complementary to Eurogroups, performing tasks specifically tailored to their client. Generally, the most central tasks mentioned by both in-house lobbyists themselves and by associations in contact with in-house lobbyists were:

- The lobbying of MEPs and officials from the Permanent Representation of their respective nation state.
- Influence of the Eurogroup/inclusion of the national perspective.
- Coverage of issues specific to the national/company/association member constituency.

Business in-house lobbyists furthermore argued that, on the one hand, their office was needed to influence and support — to work within — the association. On the other hand they covered issues in terms of monitoring and active lobbying that could not be handled within the association either for competitive reasons, or because they were either too specific to be an issue for all members or too important to be left entirely in the hands of the association.

Political consultants also seem to play an important complementary role. While political consultants generally did not have a positive reputation, all but one of the companies interviewed used or had used consultants. This implies that political consultants are a back up to make sure influence can be used despite institutional steering efforts that restrain influence. This can be seen in connection to their greatest asset, which is a very detailed knowledge and contact network of and within the European decision-making process and its negotiation circles. Interaction with institutions was prepared in such a way as to create a suitable match of demands. All in all, political consultants seemed to be more important for the interview respondents than was generally admitted for all kinds of services and at different stages of their clients' involvement in public affairs, either as representation in Brussels or in addition to one, despite their low-ranking reputation.

Table 3 shows this in more detail. It outlines the interview respondents' answers to the question of how they understood their own role in comparison to other lobbying types.

Table 3. Decisive factors

<b>Eurogroups</b>	<b>Associations</b>	<b>Firms</b>	<b>Political consultants</b>	<b>Regional offices</b>
Representivity	5	12	0	0
Information provision	1	3	0	0
Access/contacts	1	0	0	0
Surveillance of competitors/ discussion platform	0	5	0	0
Mediator	0	2	0	0
Non-priority issues	0	3	0	0
Collective action as cover for individual interests	0	3	0	0
<b>IHL</b>	<b>Associations</b>	<b>Firms</b>	<b>Political consultants</b>	<b>Regional offices</b>
Specialised information	18	13	0	0
Influence/support association	9	13	3	0
Lobbying MEPs/Permanent Representation	5	2	0	0
Contacts	2	4	0	0
Back-up	3	0	0	0
Image	1	7	0	0
Lobbying firm	0	1	0	0
Flexibility	0	3	0	0
Problems with associations	3	2	0	0
Structural funds	1	0	0	0
<b>Political consultants</b>	<b>Associations</b>	<b>Firms</b>	<b>Political consultants</b>	<b>Regional offices</b>
Specific tasks	5	3	8	0
Spare costs	1	0	2	0
Support	3	9	20	0
Active lobbying	1	0	3	0
Contacts/mediating role	1	4	4	0
Flexibility	3	0	5	0
Crisis management	5	0	5	0
<b>Regional offices</b>	<b>Associations</b>	<b>Firms</b>	<b>Political consultants</b>	<b>Regional offices</b>
Active lobbying for regional interests				3
Informal legislative negotiating				1
Promotion EU in region				4
Promotion region in EU				3

Source: Michalowitz (2004).

Based on these responses we can suppose that private actors use in-house lobbyists, consultants, Eurogroups and — to a lesser extent — regional offices simultaneously and in combination in order to arrive at an optimal level of satisfying the institutional demand. This is perceived as being representivity and group voice. They furthermore balance out the disadvantages of associations with their own in-house lobbyists and, if necessary, with consultants who may control in-house lobbyists. Overall, the responses can be subsumed in a functional division of tasks around the lobbying factors of support, back up, contact provision and information. This comes as no surprise, and although no comparative research of different lobbying types has been carried out yet, it is largely known that private actors use different channels simultaneously in order to reach their goals.<sup>55</sup>

In the light of the civil society debate, however, the justifiable worry arises that strategic lobbying concerted in such a way with different lobbying types leads to a relatively closed circle of participants. The combination of tasks carried out by Eurogroups, in-house lobbyists and political consultants points to a professionalised lobbying circle, with a large number of options to fall back on if one proves less adequate in a specific situation. If we connect the functional division of labour between lobbying types with the previously revealed strategic approach to lobbying, a relatively closed system of lobbying via different means becomes evident. Private actors use Eurogroups, in-house lobbyists and private consultants in connection to each other in order to counteract the steering of their activities by the European Commission or the Parliament.

Since it can be derived from the interviews that several lobbying options are maintained simultaneously, this can be interpreted as keeping different options open in order to allow reaction to the institutions. Eurogroups deliver the representivity demanded by the European Commission, and they can more easily show that they represent common interests in relation to the European Parliament than an industrial in-house representative from a single enterprise might. In-house lobbyists and political consultants can deliver specific information during times of process closure to private interests, and they may, in so doing, obtain access to both the Commission and the Parliament when official consultation processes have been concluded. They may also manage to insert details that are important for their individual employers but that Eurogroups cannot represent due to their partially competitive membership. In-house lobbyists and political consultants are, furthermore, important to maintain and develop the network of contacts that can be activated if the Eurogroup does not work or if institutional reactions point to a more optimal use of a different lobbyist.

This empirical evidence firstly confirms that private actors make very specific use of specific lobbyists for meeting institutional demands. It secondly reveals that private actors have developed a very professionalised way of simultaneous use of these lobbyists. Hence, there is little room for deliberation within civil society, or between civil society and decision-making institutions. These data strengthen Warleigh's point even more,

Table 4. Functions of lobbying agents

General functions	Functions Eurogroups	Functions in-house lobbyists	Functions political consultants	Functions regional offices
Support	Non-priority cases	Priority cases	Mediators	Mediators
Back-up	Cases necessitating high representivity	Lobbying of national civil servants, national experts, MEPs, Permanent Representation	Start-up help	Lobbying if own regional interests are involved
Contact provision	Cover of interests through collective representation (hiding)	Control and insurance in relation to Eurogroup and to political consultant	Additional monitoring functions: control of in-house lobbyist	
Information provision				

Source: Michalowicz (2004).

because the existence of an exchange relationship would not necessarily prevent a civil society with additional actors from evolving.

Judging from the interview responses, Brussels interest intermediation and civil society involvement seems largely to correspond to the Commission's outlines – and that does not give the impression of being open to new participants. Brussels has its own informal rules of exchanging information and influence within a group of experts (or elites) for which certain types of mediators are necessary. Neither EU institutions nor lobbyists seem to benefit from doing so. Instead, a relatively closed circle of professional interest representation seems observable that leaves little room for an ideal-type civil society to emerge.

The civil society that makes use of the reforms consists of a lobbying community that has organised and professionalised over a long period. Its approach to participation is one of special interest representation. Lobbyists hence do not have an interest in working to contribute to EU decision making in a legitimising way serving the common good — which would be the central idea of including civil society.

In this sense, the exchange of demand and supply contradicts the common-good oriented deliberative and the representative-associative idea of civil society contribution to democracy — and it is unlikely to achieve a 're-education' of both sides, as both benefit from the system for the smooth running of EU decision making.



## Conclusions

What can civil society contribute to the input legitimacy of European institutions? It seems, according to the previous analysis and with special regard to the European Commission's input legitimacy, that it cannot contribute much. In concluding this article, both theoretical and empirical arguments speak against input legitimacy through a greater involvement of a European civil society. The theoretical argumentation showed that the European Commission has a greater interest in output than in input legitimacy. The existing European civil society addressed by the Commission behaves accordingly, as became evident in the empirical study in section two of this article. Neither the normative proposals of the European Commission nor the potential European civil society meet standards that would be required in order to achieve input legitimacy in a democratic system. The normative proposals imply that much greater interest exists on the part of the European Commission in receiving output legitimacy than in introducing measures which lead to input legitimacy.

Measures for increased civil society participation do not lead to input legitimacy due to rational, special-interest guided behaviour of interest groups. Instead, interest groups and lobbyists continue to serve the institutional needs — for them, the measures are useful and they can serve the institutions in a continued exchange relationship. This seems to lead to a relatively closed circle that is dominated by exchange. Since the exchange relationship corresponds to the needs of the institutions, it is difficult for other members of civil society to enter. Deliberation is not desired; civil society as a tool for democracy, as outlined in the associative or deliberative concept, does not have room aside from or instead of this system. In relation to this civil society, it does not seem possible to reach the requirements of associative democracy or something similar.

However, it is appropriate to end on a more positive note with regard to solutions to the European Union's democratic deficit. Interest representation is certainly an important part of a democratic system because affected interests can voice their opinion. However, they cannot replace traditional tools of democratic participation. Rather than discussing civil society as the cure for a European democratic deficit, efforts should be directed towards finding a solution for the electoral legitimacy of EU institutions — how to make voices count in actual decision making, and how to get citizens to vote for this political system. This involves the currently debated reform of institutions as well as a much-needed reform of the European Parliament's electoral system and the question of whether or not to install an elected President of the European Commission. Although these discussions may seem old, there is currently no alternative in sight. The increased participation of an organised civil society certainly does not offer one.

## Notes

1. Scharpf (1999), pp. 17–20.
2. Commission of the European Communities (2001).

3. Details on the methodological design will be provided in section 2.2.
4. Commission of the European Communities (2001), pp. 14–23.
5. Commission of the European Communities (2002), p. 6; quoting OJ 329, 17 November 1999, p. 30.
6. Commission of the European Communities (2001), p. 4.
7. *Ibid.*, p. 4.
8. *Ibid.*, p. 8.
9. Scharpf (1970).
10. Scharpf (1999).
11. Scharpf (1970, 1999); for discussion of the EU aspect, see Scharpf (1999). A very elaborate discussion of the EU's need for input legitimacy has been made by Pech (2003), pp. 135–137.
12. Dryzek (2000); Parkinson (2003), p. 180.
13. *Ibid.*
14. Cohen & Rogers (1995), p. 22.
15. Abromeit (1998), p. 87.
16. *Ibid.*
17. See Kaspersen (2002).
18. Cohen & Rogers (1995), p. 44.
19. Abromeit (1998); Hirst (1994), pp. 19–22; Dryzek (2000); Cohen & Rogers (1995). A common denominator of the two concepts is that democratic governance presupposes governance of the governed, i.e. participation. Furthermore, the observation that participation by each individual is not fully possible in political systems plays a large role especially in the conceptualisation of associative democracy. Essentially, associative democracy acknowledges that political decisions are increasingly influenced by private actors organised in a variety of associations with different strength, and that a realistic approach to governance would therefore be a controlled integration of these interest groups in ways in which they can contribute with their skills (see Cohen and Rogers, 1995).
20. Commission of the European Communities (2001), pp. 14–19.
21. *Ibid.*, p. 15. Therefore, the Commission later on established minimum standards for consultation. This was to be followed by so-called partnership arrangements commencing in 2002 (*ibid.*, p. 17) and the encouragement of networks (*ibid.*, p. 18).
22. “It follows that interested parties must themselves operate in an environment that is transparent, so that the public is aware of the parties involved in the consultation processes and how they conduct themselves. Openness and accountability are thus important principles for the conduct of organisations when they are seeking to contribute to EU policy development. It must be apparent:
  - which interests they represent
  - how inclusive that representation is
 Interested parties that wish to submit comments on a policy proposal by the Commission must therefore be ready to provide the Commission and the public at large with the information described above.” (Commission of the European Communities (2002), p. 17).
23. Commission of the European Communities (2001), p. 19.
24. Commission of the European Communities (2002), pp. 11–12.
25. This point has also been made by Paul Magnette. He has already pointed out that civil society inclusion cannot increase democratic legitimacy. Deliberation amongst or with a number of groups cannot substitute for an electoral system (Magnette 2001; 2003, p. 150).
26. See for instance Héritier (2001; 1999, p. 6–30).
27. Warleigh (2001).
28. *Ibid.*, p. 621.
29. *Ibid.*, pp. 620–621.
30. *Ibid.*, p. 623.
31. *Ibid.*, p. 635.
32. *Ibid.*, p. 622.
33. Henning (2000); Bouwen (2002); Coen & Broscheid (2003).
34. Bouwen (2002); Eising (2001).
35. Bouwen (2002), p. 369.
36. See, for instance, Coen (1997), pp. 91–108; Greenwood (2003); Mazey & Richardson (1993); Pedler & Schendelen (1994); Pedler (2002); Lahusen (2002); Lahusen & Jauß (2001).

37. See e.g. Bindi (1996); Coen (1997), p. 91–108; Greenwood (2003); Mazey and Richardson (1993), Pedler (2002); Pedler & Schendelen (1994); Pijnenburg (1998), pp. 303–321; Wallace & Young (1998).
38. See Badiello (1998), pp. 328–344. These can be chambers of commerce mostly for small-and medium-sized enterprises (SMEs), or other forms of local or public authorities and, partially, think tanks. In a survey conducted in the sectors of information technology and transport by the author though, these agents played a negligible role.
39. For analysis of individual categories of representation, see Coen (1997), p. 91–108, on in-house lobbyists; Kohler-Koch & Eising, (1999); Peterson and Bomberg (1999) across different policy areas. On strategic lobbying of interest groups, see also Richardson (2000).
40. See also Bouwen (2002), pp. 365–390.
41. Knill (2001), pp. 232–233; for a similar argument see also Broscheid & Coen (2003), p.167.
42. The following outlines are taken from Michalowitz (2004).
43. Especially according to the European Public Affairs Directory (Landmarks), which has become an informal phone book of EU-public affairs. The author's experience whilst working in Brussels has confirmed the accuracy of the selected categories. Respondents have furthermore been selected from low-politics areas (according to Hoffman, 1966).
44. The large number of German and British respondents does not pose a problem of over-representation because, in practice, the largest number of lobbying officials is composed of persons with a German, British or French nationality. Furthermore, the higher number of German interview partners was connected to the more differential picture of German regional office tasks in Brussels.
45. Small firms were defined according to the Commission's distinction as those having less than 250 employees, medium-sized firms as employing 250 to 500 employees; medium to large firms were those with 500 to 5000, large firms with 5000 to 50 000, very large firms with 50 000 to 100 000, and the largest ones as above 100 000 employees. In a few cases, as, for instance, in the banking sector, this cannot be as clear-cut, and the conclusions drawn from the answers can only depict tendencies. One question therefore also referred to the turnover of companies.
46. The sectors cannot be named here, for reasons of confidentiality. The interests represented covered both public and business interests.
47. See Mazey & Richardson (1993); Pedler & van Schendelen (1994); Pedler (2002).
48. See also the findings of Lahusen and Jauß (2001).
49. The need for this task was confirmed by public actor interviewees who say an asset in this ability of lobbyists.
50. Greenwood (2002).
51. Lahusen & Jauß (2001).
52. Coen (1997).
53. Respondents stated that arriving at a sufficiently high level of knowledge for this task was not easy: "I gave myself half a year, and it takes longer — one year, one and a half years — it is costly but it is the best way of getting to know the people and be at the forefront of the system." (Norwegian national association in-house lobbyist).  
Other respondents spoke of lobbyists providing expertise, specific information and advice. This concerned two types of information aimed at the employers: information and advice about when, where and how to lobby, and about the type of technical issue-information needed. According to the respondents, in-house lobbyists were best able to fulfil this function. Eurogroups were also said to provide the respondents with a large set of information, although this factor was seen as decreasing in importance, due to the possibilities of the Internet. However, Eurogroups and similar organisations or networks fulfilled an important indirect information delivery role — especially for business interests. They were viewed as a discussion platform and a means to gather information about competitors and to hide behind the name of an organisation if the case was likely to be lost or if the member's own name was likely to have a negative influence on the lobbying impact. These factors reveal specific control possibilities with relation to competitors (for business groups) as well as specific assets of collective action that will not be found in other agent categories (for all types of interest backgrounds).
54. National associations as members, individuals or companies as members, or both companies/individuals and associations.
55. See already, for instance, Grant (1991).

## References

- Abromeit, H. (1998) *Democracy in Europe. Legitimising Politics in a Non-State Polity* (New York/Oxford: Berghahn Books).
- Badiello, L. (1998) Regional offices in Brussels: lobbying from the inside, in: P. Clayes, C. Gobin, I. Smets & P. Winand (Eds), *Lobbyisme, Pluralisme et Intégration Européenne* (Brussels: European Interuniversity Press).
- Bindi, F. M. (1996) The Eurogroups, the European Union and the EU Legislative Process. *NUPI Report* 201 (Oslo).
- Bouwen, P. (2002) Corporate lobbying in the European Union: the logic of access, *Journal of European Public Policy*, 9(3), pp. 365–390.
- Broscheid, A. & Coen, D. (2003) An informational model of forum politics, *European Union Politics*, 4(2), pp. 165–189.
- Coen, D. (1997) The evolution of the large firm as a political actor in the European Union, *Journal of Public Policy*, 4(1), pp. 91–108.
- Cohen, J. & Rogers, J. (1995) Secondary associates and dramatic governance, in: J. Cohen & J. Rogers (Eds) *Associations and Democracy* (New York: Verso).
- Commission of the European Communities (2001) White paper on European governance. COM 428 final (Brussels).
- Commission of the European Communities (2002) Communication from the commission. Towards a reinforced culture of consultation and dialogue — General Principles and minimum standards for consultation of interested parties by the Commission. COM (2002) 704 final (Brussels).
- Dryzek, J. S. (2000) *Deliberative Democracy and Beyond. Liberals, Critics, Contestations* (Oxford: Oxford University Press).
- Eising, R. (2001) Multi-level governance and business interests in the European Union. Paper presented to the ECPR 1st General Conference, Panel 9–6 Mobilization and Advocacy, Canterbury, 6–8 September.
- Grant, W. (1991) DIY: the government relations functions of large companies, in: G. Jordan (Ed) *The Commercial Lobbyists*, pp. 99–110. (Aberdeen: Aberdeen University Press).
- Greenwood, J. (2003) *Interest Representation in the European Union* (London: Palgrave).
- Greenwood, J. (2002) *Inside the EU Business Associations* (London: Palgrave).
- Henning, C. H. C. A. (2000) *Macht und Tausch in der europäischen Agrarpolitik. Eine positive Theorie kollektiver Entscheidungen* (Frankfurt a.M.: Campus).
- Héritier, A. (1999) *Policy-Making and Diversity in Europe: Escape from Deadlock* (Cambridge: Cambridge University Press).
- Héritier, A. (2001) The white paper on European governance: a response to shifting weights in inter-institutional decision-making. Symposium: mountain or molehill? A critical appraisal of the commission white Paper on governance, *Jean Monnet Working Paper Series*, 6/01, New York.
- Hirst, P. (1994) *Associative Democracy. New Forms of Economic and Social Governance* (Amherst, MA: University of Massachusetts Press).
- Hoffman, S. (1966) Obstinate or Obsolete? The fate of the nation state and the case of Western Europe, *Daedalus*, 95, pp. 862–915.
- Kaspersen, L. B. (2002) Associative democracy in Denmark: problems and prospects. Paper presented at the ECPR Joint Sessions, Panel 7: Rescuing Democracy: The Lure of the associative Elixir, Turin.
- Knill, C. (2001) Private governance across multiple arenas: European interest associations as interface actors, *Journal of European Public Policy*, 8(2), pp. 227–246.
- Kohler-Koch, B. (2001) The commission white paper and the improvement of European governance. Symposium: mountain or molehill? A critical appraisal of the commission white paper on governance, *Jean Monnet Working Paper Series*, 6/01, New York.
- Kohler-Koch, B. & Eising, R. (1999) *The Transformation of Governance in the European Union* (London: Routledge).
- Lahusen, C. (2002) Commercial consultancies in the European Union: the shape and structure of professional interest intermediation, *Journal of European Public Policy*, 9(5), pp. 695–714.
- Lahusen, C. & Jauß, C. (2001) *Lobbying als Beruf* (Baden-Baden: Nomos).
- Magnette, P. (2001) European governance and civic participation: can the European Union be politicised? Symposium: mountain or molehill? A critical appraisal of the commission white paper on governance, *Jean Monnet Working Paper Series*, 6/01, New York.

- Magnette, P. (2003) European governance and civic participation: beyond elitist citizenship? *Political Studies*, 51, pp. 144–160.
- Mazey, S. & Richardson, J. (1993) *Lobbying in the European Community* (Oxford: Oxford University Press).
- Michalowitz, I. (2004) *EU Lobbying: Principals, Agents and Targets. Strategic Interest Intermediation in EU Policy-Making* (Münster: LIT).
- Parkinson, J. (2003) Legitimacy problems in deliberative democracy. *Political Studies*, 51, pp. 180–196.
- Pech, L. (2003) La solution au ‘déficit démocratique’: une nouvelle gouvernance pour l’Union Européenne? *Journal of European Integration*, 2(25), pp. 131–150.
- Pedler, R. H. (2002) *Lobbying the European Union: Issues and Case Studies* (London, Palgrave).
- Pedler, R. H. & von Schendelen, R.P.C.M. (1994) *Lobbying the European Union: Companies, Trade Associations and Issue Groups* (Aldershot: Ashgate).
- Peterson, J. & Bomberg, E. (1999) *Decision-Making in the European Union* (New York: St. Martin’s Press).
- Pijnenburg, B. (1998) EU lobbying by ad hoc coalitions: an exploratory case study, *Journal of European Public Policy*, 5(2), pp. 303–321.
- Richardson, J. (2000) Government, interest groups and policy change, *Political Studies*, 48(5), pp. 1006–1025.
- Scharpf, F. W. (1970) *Demokratietheorie zwischen Utopie und Anpassung* (Konstanz: Universitätsverlag).
- Scharpf, F. W. (1999) *Regieren in Europa. Effektiv und demokratisch?* (Frankfurt a.M.: Campus).
- Scharpf, F. W. (2001) European governance: common concerns vs. the challenge of diversity. Symposium: mountain or molehill? A critical appraisal of the commission white paper on governance, *Jean Monnet Working Paper Series* 6/01 (New York).
- Wallace, H. & Young, A. (1998) *Participation and Policy-Making in the European Union* (Oxford: Oxford University Press).
- Warleigh, A. (2001) ‘Europeanizing’ civil society: NGOs as agents of political socialization, *Journal of Common Market Studies*, 39(4), pp. 619–639.